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General and complete disarmament

Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Note by the Secretary-General

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I. Introduction

1. In its resolution 55/33 X of 20 November 2000, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", the General Assembly requested all States to inform the Secretary-General of the efforts and measures they had taken on the implementation of the resolution and nuclear disarmament, and requested the Secretary-General to apprise the Assembly of that information at its fifty-sixth session.

2. By a note verbale dated 16 February 2001, all Member States were invited to inform the Secretary-General of the efforts and measures they had taken with regard to the implementation of the resolution and nuclear disarmament.

3. Replies have been received thus far from Jordan, Mexico, the Philippines and the Syrian Arab Republic. Any additional information received from Member States will be issued as addenda to the present report.

II. Information received from Governments

Jordan

[Original: Arabic]
[18 June 2001]

1. Jordan is a country that is free of nuclear weapons, inasmuch as it does not possess any such weapons or the means for their delivery, has had nothing to do with them directly or indirectly and has no aspirations or intentions for their acquisition or for the development of any programmes relating to such weapons.

2. Jordan has never provided any assistance, whether scientific, technical or material, to any party endeavouring to acquire or develop nuclear weapons, and it has not permitted any activities relating to such weapons to take place in its territory.

3. Jordan supports all international and regional efforts to prohibit the use of nuclear weapons and to eliminate them with a view to achieving a world free of such weapons. Jordan has expressed this support by:

(a) Acceding to the Treaty on the Non-Proliferation of Nuclear Weapons, which it ratified in February 1970;

(b) Acceding to the Comprehensive Nuclear-Test-Ban Treaty, which it ratified in August 1998;

(c) Incorporating a provision in article 4, paragraph 7, of the Treaty of Peace between Jordan and Israel for the creation of a zone free of weapons of mass destruction in the Middle East;

(d) Participating, in the framework of the League of Arab States, in the elaboration of a draft treaty for a Middle East free of weapons of mass destruction, and principally nuclear weapons.

4. Jordan supports the initiation in 2001 of multilateral negotiations leading to the early conclusion of a comprehensive and non-discriminatory convention for the prohibition of the development, production, testing, deployment, stockpiling and transfer of nuclear weapons and of the use or threat of use of such weapons, and for their elimination.

Mexico

[Original: Spanish]
[7 June 2001]

1. Mexico remains convinced that the sole guarantee that nuclear weapons will not be used is their total elimination. It therefore reaffirms the historic importance of the advisory opinion of the International Court of Justice, whose unanimous conclusion indicates that there is an obligation to undertake in good faith and conclude negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

2. Mexico considers it urgent to implement the 13 measures agreed in accordance with the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Hence the importance of the establishment of an ad hoc committee on nuclear disarmament within the Conference on Disarmament for the purpose of determining steps towards the goal of the complete elimination of nuclear weapons.

3. Mexico reiterates that the threat or use of nuclear weapons is contrary to the rules of international law applicable to armed conflicts, especially the principles and rules of humanitarian international law.

Philippines

[Original: English]
[29 June 2001]

Constitutional policy on nuclear weapons

1. Article II, section 8, of the Constitution of the Philippines is the cornerstone of Philippine policy with regard to nuclear weapons within Philippine territory. This constitutional provision states:

> "The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory."

From this basic policy emanates the following Philippine goals:

(a) Maintaining a stable and peaceful international and regional environment;

(b) Promoting the creation of a non-nuclear-weapon world, in accordance with article II, section 8, of the Constitution;

(c) Ensuring the country's protection from the threat or use of weapons of mass destruction by other countries.

2. To this end, the Philippines believes that all nations should fulfil the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, as determined by the Court in its unanimous conclusion in its advisory opinion.

Advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

3. Consistent with Philippine law and policy, the Philippines supported efforts to request an advisory opinion from the International Court of Justice, filed pleadings and made oral presentations before the Court arguing that the threat or use of nuclear weapons violates international law, and has consistently been a sponsor of the draft resolution entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*" in the United Nations General Assembly.

Latest developments relating to the South-East Asia Nuclear Weapon-Free-Zone Treaty

4. The Philippines has completed all its internal requirements to become a State party to the South-East Asia Nuclear Weapon-Free-Zone Treaty and deposited its instrument of ratification on 21 June 2001 with Thailand, the depositary of the Treaty.

5. There has been continued progress in the consultations between the States parties to the Treaty and the nuclear-weapon States. A direct dialogue between the States parties to the Treaty and the nuclear-weapon States was held in Hanoi in May 2001. This was considered a significant step towards securing the accession of the nuclear-weapon States to the Protocols to the Treaty.

Comprehensive Nuclear-Test-Ban Treaty

6. The Philippines deposited its instrument of ratification for the Comprehensive Nuclear-Test-Ban Treaty on 3 February 2001 and is working with other States parties to call upon States, particularly those required for the Treaty to enter into force, to become States parties to the Comprehensive Nuclear-Test-Ban Treaty. The Philippines is also actively participating in the establishment of monitoring stations. Moreover, the Philippines supports the moratoria on nuclear weapons test explosions.

Treaty on the Non-Proliferation of Nuclear Weapons

7. As a State Party to the Non-Proliferation Treaty, the Philippines joins other States parties in calling for universality of the Treaty and supports the efforts of the international community to eradicate nuclear weapons. The active participation of the Philippines in the 2000 Conference and the Review and preparatory work for the Conference demonstrated its unwavering commitment to the elimination of the scourge of nuclear weapons. The Philippines believes that the Non-Proliferation Treaty process is a significant contribution towards ensuring an environment of peace for future generations.

International conference on eliminating nuclear dangers

8. The Philippines continues to support the call made by the Heads of States and Government in the United Nations Millennium Declaration (General Assembly resolution 55/2) for Member States to eliminate weapons of mass destruction, particularly nuclear weapons, and to keep all options open for this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers. The Philippines supports the stand of the Movement of Non-Aligned Countries and the Association of South-East Asian Nations to fulfil this obligation.

Syrian Arab Republic

[Original: Arabic]
[15 May 2001]

1. In its advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996, the International Court of Justice observes that the unique characteristics of nuclear weapons, in particular their destructive capacity, their capacity to cause untold human suffering and their ability to cause damage to generations to come, render them potentially catastrophic. The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all civilization and the entire ecosystem of the planet.

2. The Syrian Arab Republic, in accordance with the principles governing its policy of enhancing international peace and security and with the purposes and principles of the United Nations, and as part of its general perspective on complete and comprehensive disarmament, has spared no effort in supporting the resolutions of the United Nations relating to disarmament. In 1968 it became a party to the Treaty on the Non-Proliferation of Nuclear Weapons and agreed to be bound by its safeguards regime. The Syrian Arab Republic endorses General Assembly resolution 55/33 X, entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*", and it calls for the adoption of practical measures for the elaboration of a phased programme for the complete elimination of nuclear weapons within a specified time frame and under effective international supervision.